

Remarks

Applicants have studied the Office Action Mailed February 6, 2004 and have the following remarks, which are submitted to address all issues in this case, and to put this case in condition for allowance.

35 U.S.C. §103

The Examiner rejected all pending claims 2, 3, 5, 6, 8, 9, and 12-20 as obvious in light of Morrison et al. (US 6,474,523) in view of Essl (FR 2,312,212). Without admitting to the alleged obviousness of the present application, Applicant traverses these rejections based on a claim of entitlement to an exclusion from the prior art of the Morrison reference under § 103(c).

Enclosed herewith is a Statement of Common Ownership of Prior Art Citation and Invention To Disqualify Prior Art Citation Under 35 U.S.C. § 103(c), which statement meets the evidentiary requirements for a showing of common ownership as such requirements are set forth by USPTO policy. See MPEP §706.02(I). In light of the enclosed statement and according to § 103(c), Morrison may not be used as a § 103 reference upon which the Examiner may base a rejection of the present application.

Applicant also includes herewith a Terminal Disclaimer Under 37 CFR §§ 1.321(c), disclaiming patent term on any patent issuing on the present application beyond the statutory term of Morrison et al., and thereby renders moot any obviousness-type double patenting rejection that may be issued based on the common ownership herein evidenced.

As none of the other references cited by the Examiner, alone or in combination, disclose all of the elements of the claims of the present application, Applicant asserts that the enclosed Statement of Common Ownership and Terminal Disclaimer overcome all of the Examiner's rejections of the pending claims.

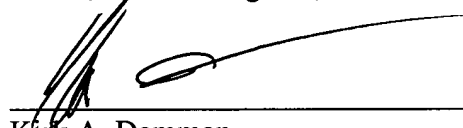
Conclusion

In light of the above comments and the enclosed Statement and Terminal Disclaimer, Applicants respectfully request that the Examiner withdraw all rejections to the present application and allow this application to pass to issuance.

Applicant includes herewith a petition fee for entry of the Terminal Disclaimer, and believe no other fees are due in conjunction with this filing. The Commissioner is authorized, however, to credit any overpayment or charge any deficiencies necessary for entering this Response, the Statement, and the Terminal Disclaimer, including any claims fees or extension fees to or from our **Deposit Account No. 50-0975**.

If any questions remain, Applicant respectfully requests a telephone call to the below-signed attorney at (314) 444-7783.

Respectfully submitted,
Lewis, Rice & Fingersh, L.C.



Kirk A. Damman
Registration No. 42,461
Attorney for Applicant

Dated: May 6, 2004

Customer Number: 22822
Lewis, Rice and Fingersh, L.C.
500 N. Broadway, Suite 2000
St. Louis, MO 63102-2147
Tel: (314) 444-7600
Fax: (314) 444-7788